



Louisiana Board of Pharmacy

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September 23, 2013

Senator John A Alario Jr., President
Louisiana Senate
PO Box 94183
Baton Rouge, LA 70804

Via Email: APA.SenatePresident@legis.la.gov

Electronic Mail – Delivery Receipt Requested

Re: Report No. 2 of 3 for Regulatory Project 2013-4 ~ Preferential Licensing for Military Personnel

Dear Senator Alario:

As we indicated in our first report to you on July 10, 2013, the Board is currently amending its rules relative to licensing procedures for pharmacists and pharmacy technicians, in compliance with Act 276 of the 2012 Legislature, to establish a preferential licensing process for eligible military applicants. Subsequent to our Notice of Intent published in the July 20, 2013 edition of the *Louisiana Register*, and in accordance with the Administrative Procedures Act, we conducted a public hearing at the Board office on August 27, 2013.

During the public hearing, we received no comments or testimony concerning the proposed rule. In the absence of such comments or testimony, the Board has determined that no revisions are necessary to the proposed rule. Further, the Board has determined it appropriate to move forward with the proposed rule.

You should find the following documents appended to this letter:

- Notice of intent, as published in the *Louisiana Register*
- Full text of proposed rule

Subject to review by the Joint Legislative Oversight Committee on Health and Welfare, the Board proposes to publish the original proposed rule as a Final Rule in the November 20, 2013 edition of the *Louisiana Register*. If you have any questions about the enclosed information or our procedures, please contact me directly at mbroussard@pharmacy.la.gov or 225.925.6481.

For the Board:

Malcolm J. Broussard
Executive Director

cc: Chair, Senate Committee on Health and Welfare – APA.S-H&W@legis.la.gov
Speaker, House of Representatives – APA.HouseSpeaker@legis.la.gov
Chair, House Committee on Health and Welfare – APA.H-H&W@legis.la.gov
Secretary, Dept. of Veterans Affairs – Veterans@la.gov
Editor, *Louisiana Register* – Catherine.Brindley@la.gov
Reference File

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Pharmacy**

**Preferential Licensing for Military Personnel
(LAC 46:LIII.506 and 904)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), and pursuant to the provisions of Act 276 of the 2012 Legislature, the Louisiana Board of Pharmacy hereby gives notice of its intent to add new sections to two of its chapters of rules: §506 in Chapter 5—Pharmacists and §904 in Chapter 9—Pharmacy Technicians, to establish preferential licensing procedures for certain military personnel.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 5. Pharmacists

Subchapter A. Licensure Procedures

§506. Preferential Licensing Procedures for Military-Trained Applicants and Their Spouses

A. Preferential licensing procedures are available for certain persons. Eligibility for such procedures are available to the following.

1. A military-trained applicant is a person who:
 - a. has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially equivalent to or exceeds the requirements for pharmacist licensure in this state;
 - b. has engaged in the active practice of pharmacy; and
 - c. has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice pharmacy in this state at the time the act was committed.

2. A military spouse is a person who:

- a. can demonstrate marriage to a person in active duty military service or with commitment to reserve duty, as evidenced by legible copies of marriage license and military orders;
- b. holds a current and unrestricted license to practice pharmacy in another jurisdiction within the United States or any of its territories that has not been disciplined by the agency issuing that license; and
- c. can demonstrate competency to practice pharmacy through various methods determined by the board, e.g., evidence of continuing education activity, letters of competency from previous practice manager, remediation examination, or personal interview.

B. Upon receipt of an application for pharmacist licensure by a military-trained applicant or military spouse, the board office shall mark the application for priority processing and preserve that status until the license is issued, or in the alternative, the board gives notice of its intent to deny the application and refuse to issue the license.

C. In the event the military-trained applicant or military spouse intends to practice pharmacy before the issuance of the license, the board may issue a special work permit to that person.

1. The special work permit shall expire 120 days after the date of issue, and the permit shall not be renewable.

2. The special work permit shall identify the military-trained applicant or military spouse, and further, shall indicate the authority for that person to practice pharmacy within the state of Louisiana as well as the dates of issue and expiration of the credential.

3. No military-trained applicant or military spouse may practice pharmacy prior to the receipt of a special work permit or pharmacist license, or with an expired special work permit or pharmacist license.

4. The special work permit shall not be eligible for reciprocity to any other jurisdiction.

D. The provisions of this Section shall not apply to a military-trained applicant who has received, or is in the

process of receiving, a dishonorable discharge from the military. Further, the provisions of this Section shall not apply to a military spouse whose spouse has received, or in the process of receiving, a dishonorable discharge from the military.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3650.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 39:

Chapter 9. Pharmacy Technicians

§904. Preferential Licensing Procedures for Military-Trained Applicants and Their Spouses

A. Preferential licensing procedures are available for certain persons. Eligibility for such procedures are available to the following.

1. A military-trained applicant is a person who:
 - a. has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially equivalent to or exceeds the requirements for technician certification in this state;
 - b. has engaged in the active practice of pharmacy; and
 - c. has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a technician certificate to practice pharmacy in this state at the time the act was committed.

2. A military spouse is a person who:

- a. can demonstrate marriage to a person in active duty military service or with commitment to reserve duty, as evidenced by legible copies of marriage license and military orders;
- b. holds a current and unrestricted technician certificate to practice pharmacy in another jurisdiction within the United States or any of its territories that has not been disciplined by the agency issuing that certificate; and
- c. can demonstrate competency to practice pharmacy through various methods determined by the board, e.g., evidence of continuing education activity, letters of competency from previous practice manager, remediation examination, or personal interview.

B. Upon receipt of an application for pharmacy technician candidate registration by a military-trained applicant or military spouse, the board office shall mark the application for priority processing and preserve that status until the registration is issued, or in the alternative, the board gives notice of its intent to deny the application and refuse to issue the registration.

C. In the event the military-trained applicant or military spouse intends to practice pharmacy before the issuance of the registration, the board may issue a special work permit to that person.

1. The special work permit shall expire 120 days after the date of issue, and the permit shall not be renewable.

2. The special work permit shall identify the military-trained applicant or military spouse, and further, shall indicate the authority for that person to practice pharmacy within the state of Louisiana as well as the dates of issue and expiration of the credential.

3. No military-trained applicant or military spouse may practice pharmacy prior to the receipt of a special work permit or pharmacy technician candidate registration, or

with an expired special work permit or pharmacy technician candidate registration.

4. The special work permit shall not be eligible for reciprocity to any other jurisdiction.

D. The provisions of this Section shall not apply to a military-trained applicant who has received, or is in the process of receiving, a dishonorable discharge from the military. Further, the provisions of this Section shall not apply to a military spouse whose spouse has received, or in the process of receiving, a dishonorable discharge from the military.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3650.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 39:

Family Impact Statement

In accordance with Section 953 of Title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the Louisiana Register with the proposed agency Rule.

1. The Effect on the Stability of the Family. We can discern no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. We can discern no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. We can discern no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. To the extent that a military-trained applicant or military spouse may be able to begin employment sooner than is now possible, the proposed Rule may have a beneficial impact on family earnings and the family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. We can discern no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. We can discern no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. To the extent that a military-trained applicant or military spouse may be able to secure employment sooner than is now possible, the proposed rule may have a beneficial impact on household income, assets, and financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. We anticipate no impact from the proposed Rule on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. It would be possible for a beneficiary of the proposed Rule to obtain employment sooner than is now

possible; therefore, we anticipate a potentially positive impact from the proposed rule on employment and workforce development.

4. The Effect on Taxes and Tax Credits. We anticipate no impact from the proposed rule on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. We anticipate no impact from the proposed Rule on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Statement

In accordance with Section 965 of Title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule change would not change any recordkeeping or reporting requirements for small businesses.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. There are no changes in the deadlines for compliance or reporting requirements for small businesses.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. There are no changes in the reporting requirements for small businesses.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. There are no design or operational standards in the proposed Rule.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed Rule.

Public Comments

Interested persons may submit written comments to Malcolm J Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, August 27, 2013 at 9:00 a.m. in the board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12:00 noon that same day.

Malcolm J. Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Preferential Licensing for Military Personnel

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is estimated that implementation of the proposed rule will cost the agency \$500 in FY 13-14 for printing costs of the Notice of Intent and Final Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No impact on state or local governmental revenue collections is anticipated as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change may result in the ability for certain military personnel to begin practicing pharmacy in this state more quickly than currently possible.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not have any effect on competition. It is possible that certain military personnel may obtain employment sooner than is now possible, but we do not expect applications from non-military personnel to be adversely affected.

Malcolm J. Broussard
Executive Director
1307#031

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

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Chapter 5. Pharmacists

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 - c. Can demonstrate competency to practice pharmacy through various methods determined by the Board, e.g., evidence of continuing education activity, letters of competency from previous practice manager, remediation examination, or personal interview.
- B. Upon receipt of an application for pharmacist licensure by a military-trained applicant or military spouse, the Board office shall mark the application for priority processing and preserve that status until the license is issued, or in the alternative, the Board gives notice of its intent to deny the application and refuse to issue the license.
- C. In the event the military-trained applicant or military spouse intends to practice pharmacy before the issuance of the license, the Board may issue a Special Work Permit to that person.
1. The Special Work Permit shall expire 120 days after the date of issue, and the permit shall not be renewable.
 2. The Special Work Permit shall identify the military-trained applicant or military spouse, and further, shall indicate the authority for that person to practice pharmacy within the State of Louisiana as well as the dates of issue and expiration of the credential.
 3. No military-trained applicant or military spouse may practice pharmacy prior to the receipt of a Special Work Permit or pharmacist license, or with an expired Special Work Permit or pharmacist license.
 4. The Special Work Permit shall not be eligible for reciprocity to any other jurisdiction.
- D. The provisions of this Section shall not apply to a military-trained applicant who has received, or is in the process of receiving, a dishonorable discharge from the military. Further, the provisions of this Section shall not apply to a military spouse whose spouse has received, or in the process of receiving, a dishonorable discharge from the military.

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